

Remarks/Arguments

Claims 1 and 35-57 are pending in the Application.

Claims 1 and 35-57 are rejected.

Claim 41, 46, and 50-51 are amended herein.

Claim 1, 45, 49, and 52-57 are cancelled herein.

I. STATUTORY TYPE DOUBLE PATENTING REJECTION

Examiner has rejected Claim 1 under 35 U.S.C. § 101 as claiming the same invention as that of Claim 1 of prior United States Patent No. 6,183,714. Office Action, at 2.

To moot this rejection, Applicant has cancelled Claim 1 herein without prejudice.

II. NONSTATUTORY DOUBLE PATENTING REJECTIONS**A. United States Patent No. 6,790,425**

The Examiner has rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-19 of United States Patent No. 6,790,425, issued September 14, 2004 to Smalley *et al.* (“the ‘425 Patent”). Office Action, at 2-3.

Applicant respectfully traverses this rejection. However, to facilitate prosecution of the Application, Applicant hereby responds with the enclosed Terminal Disclaimer to moot this obviousness-type double patenting rejection. Applicant notes that, by filing this terminal disclaimer, it is not admitting the obviousness of the later filed claimed invention claimed in the ‘425 Patent in light of the earlier filed disclosure of the present Application. *Quad Environmental Tech. v. Union Sanitary Dist.*, 946 F.2d 870, 874, 20 U.S.P.Q.2d 1392, 1394 (Fed. Cir. 1991). Rather, “the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection.” *Id.*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394-95. And, it is with that

understanding Applicant has filed the terminal disclaimer. Therefore, this obviousness-type double patenting rejection is now moot.

B. United States Patent Application Serial No. 09/810,201

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-18 of United States Patent Application Serial No. 09/810,201 (“the ‘201 Application”). Office Action, at 3.

Applicant respectfully traverses this rejection. The ‘201 Application is no longer pending since that application issued to Margrave *et al.* on November 11, 2003 as United States Patent No. 6,645,455 (“the ‘455 Patent”). During the prosecution of the ‘201 Application, Claims 1-18 were cancelled, and such claims did not issue in the ‘455 Patent. Therefore, this provisional obviousness-type double patenting rejection is moot.

C. United States Patent Application Serial No. 09/810,390

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-18 of United States Patent Application Serial No. 09/810,390 (“the ‘390 Application”). Office Action, at 3.

Applicant respectfully traverses this rejection. The ‘390 Application is no longer pending since that application issued to Margrave *et al.* on January 11, 2005 as United States Patent No. 6,841,139 (“the ‘139 Patent”). During the prosecution of the ‘390 Application, Claims 1-18 were cancelled, and such claims did not issue in the ‘139 Patent. Therefore, this provisional obviousness-type double patenting rejection is moot.

D. United States Patent Application Serial No. 10/027,726

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 86-90, and 94-95 of copending United States Patent Application Serial No. 10/027,726 (“the ‘726 Application”). Office Action, at 3-4. Applicant notes that the ‘726 Application has been

allowed (including Claims 86-90 and 94-95), the issuance fee has been paid, but a patent has not yet issued from the '726 Application.

Applicant respectfully traverses this rejection. However, to facilitate prosecution of the Application, Applicant hereby responds with the enclosed Terminal Disclaimer to moot this obviousness-type double patenting provisional rejection. Applicant notes that, by filing this terminal disclaimer, it is not admitting the obviousness of the later filed claimed invention claimed in the '726 Application in light of the earlier filed disclosure of the present Application. *Quad Environmental*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394. Rather, "the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection." *Id.*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394-95. And, it is with that understanding Applicant has filed the terminal disclaimer. Therefore, this provisional obviousness-type double patenting rejection is now moot.

E. United States Patent Application Serial No. 10/033,050

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 81-90, 104-105, 111-112 of copending United States Patent Application Serial No. 10/033,050 ("the '050 Application"). Office Action, at 4.

Applicant respectfully traverses this rejection. However, to facilitate prosecution of the Application, Applicant hereby responds with the enclosed Terminal Disclaimer to moot this provisional obviousness-type double patenting rejection. Applicant notes that, by filing this terminal disclaimer, it is not admitting the obviousness of the later filed claimed invention claimed in the '050 Application in light of the earlier filed disclosure of the present Application. *Quad Environmental*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394. Rather, "the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection." *Id.*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394-95. And, it is with that understanding Applicant has filed the terminal disclaimer. Therefore, this provisional obviousness-type double patenting rejection is now moot.

F. United States Patent Application Serial No. 10/033,076

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 91-98, 100-103, and 163-182 of copending United States Patent Application Serial No. 10/033,076. (“the ‘076 Application”) Office Action, at 4. Applicant notes that the ‘076 Application has been allowed (including Claims 91-98, 100-103, and 163-182), the issuance fee has been paid, but a patent has not yet issued from the ‘076 Application.

Applicant respectfully traverses this rejection. However, to facilitate prosecution of the Application, Applicant hereby responds with the enclosed Terminal Disclaimer to moot this provisional obviousness-type double patenting rejection. Applicant notes that, by filing this terminal disclaimer, it is not admitting the obviousness of the later filed claimed invention claimed in the ‘076 Application in light of the earlier filed disclosure of the present Application. *Quad Environmental*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394. Rather, “the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection.” *Id.*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394-95. And, it is with that understanding Applicant has filed the terminal disclaimer. Therefore, this provisional obviousness-type double patenting rejection is now moot.

G. United States Patent Application Serial No. 10/034,745

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 94-97 of copending United States Patent Application Serial No. 10/034,745 (“the ‘745 Application”). Office Action, at 3-4.

Applicant respectfully traverses this rejection. In the prosecution of the ‘745 Application, Claims 94-97 were cancelled. Therefore, this provisional obviousness-type double patenting rejection is moot.

H. United States Patent Application Serial No. 10/036,684

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-81 of United States Patent Application Serial No. 10/036,684 (“the ‘684 Application”). Office Action, at 5.

Applicant respectfully traverses this rejection. The ‘684 Application is now abandoned and thus no longer pending. Therefore, this provisional obviousness-type double patenting rejection is moot.

I. United States Patent Application Serial No. 10/033,228

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 141-152, 163-194 of copending United States Patent Application Serial No. 10/033,228 (“the ‘228 Application”). Office Action, at 5. Applicant notes that the ‘228 Application has been allowed (including Claims 141-150, 163-174, 176-183, and 186-192), but the issuance fee has not yet been paid.

Applicant respectfully traverses this rejection. However, to facilitate prosecution of the Application, Applicant hereby responds with the enclosed Terminal Disclaimer to moot this provisional obviousness-type double patenting rejection. Applicant notes that, by filing this terminal disclaimer, it is not admitting the obviousness of the later filed claimed invention claimed in the ‘228 Application in light of the earlier filed disclosure of the present Application. *Quad Environmental*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394. Rather, “the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection.” *Id.*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394-95. And, it is with that understanding Applicant has filed the terminal disclaimer. Therefore, this provisional obviousness-type double patenting rejection is now moot.

J. United States Patent Application Serial No. 10/038,204

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 112-141 of copending United States Patent Application Serial No. 10/038,204 (“the ‘204 Application”). Office Action, at 5-6.

Applicant respectfully traverses this rejection. However, to facilitate prosecution of the Application, Applicant hereby responds with the enclosed Terminal Disclaimer to moot this provisional obviousness-type double patenting rejection. Applicant notes that, by filing this terminal disclaimer, it is not admitting the obviousness of the later filed claimed invention claimed in the ‘204 Application in light of the earlier filed disclosure of the present Application. *Quad Environmental*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394. Rather, “the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection.” *Id.*, 946 F.2d at 874, 20 U.S.P.Q.2d at 1394-95. And, it is with that understanding Applicant has filed the terminal disclaimer. Therefore, this provisional obviousness-type double patenting rejection is now moot.

K. United States Patent Application Serial No. 10/189,129

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 28-44 of copending Application No. 10/189,129 (“the ‘129 Application”). Office Action, at 6.

Applicant respectfully traverses this rejection. In view of a restriction requirement issued in the ‘129 Application, Applicant did not elect to continue prosecution of Claims 28-44 in the ‘129 Application. Hence the claims upon which Examiner has based the provisional rejection are no longer being pursued in the ‘129 Application. Therefore, this provisional obviousness-type double patenting rejection is moot.

L. United States Patent Application Serial No. 10/324,861

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 53-54 of copending United States Patent Application Serial No. 10/324,861 (“the ‘861 Application”). Office Action, at 6.

Applicant respectfully traverses this rejection. In view of a restriction requirement issued in the ‘861 Application, Applicant did not elect to continue prosecution of Claims 53-54 in the ‘861 Application. Hence the claims upon which Examiner has based the provisional rejection are no longer being pursued in the ‘861 Application. Therefore, this provisional obviousness-type double patenting rejection is moot.

M. United States Patent Application Serial No. 10/391,988

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 28-44 of United States Patent Application Serial No. 10/391,988 (“the ‘988 Application”). Office Action, at 6-7.

Applicant respectfully traverses this rejection. The ‘988 Application is no longer pending since that application issued to Smalley *et al.* on May 31, 2005 as United States Patent No. 6,899,945 (“the ‘945 Patent”). Applicant further notes that Applicant does not believe that there have ever been Claims 28-44 in the ‘988 Application. Therefore, there is no basis for a obviousness-type double patenting rejection (provisional or otherwise). Thus this rejection is baseless and moot.

N. United States Patent Application Serial No. 10/426,578

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 53-54 of

copending United States Patent Application Serial No. 10/426,578 ("the '578 Application").¹ Office Action, at 7.

Applicant respectfully traverses this rejection. However, to facilitate prosecution of the Application, Applicant hereby responds with the enclosed Terminal Disclaimer to moot this provisional obviousness-type double patenting rejection. Therefore, this provisional obviousness-type double patenting rejection is moot.

O. United States Patent Application Serial No. 10/635,976

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 91-97 of copending United States Patent Application Serial No. 10/635,976 ("the '976 Application"). Office Action, at 7.

Applicant respectfully traverses this rejection. In the prosecution of the '976 Application, Claims 91-97 were cancelled. Therefore, this provisional obviousness-type double patenting rejection is moot.

P. United States Patent Application Serial No. 10/730,630

The Examiner has provisionally rejected Claims 35-57 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 46-54 of copending United States Patent Application Serial No. 10/730,630 ("the '630 Application"). Office Action, at 7-8.

Applicant respectfully traverses this rejection. In the prosecution of the '630 Application, Claims 46-54 were cancelled. Therefore, this provisional obviousness-type double patenting rejection is moot.

¹ In the Office Action, the Examiner cited United States Patent Application Serial No. 10/426,478 instead of Serial No. 10/426,578. Applicant surmises this was a typographical error and is replying on that basis that the Examiner intended to refer to the '578 Application.

III. REJECTIONS UNDER 35 U.S.C. § 112, ¶ 2

Examiner has rejected Claims 36-57 under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Examiner contends that it is not clear how felts and mats differ from each other, and asks "What are the differences in structure between a felt and a mat in this context?" Office Action, at 8.

The citations to a mat and a felt in the Application are as follows:

The Application refers to a "mat" at page 23 lines 4-8.

The raw product comprised **a mat of randomly oriented single-wall carbon nanotubes. The raw product mat is made up almost entirely of carbon fibers 10-20 nm in diameter and 10 to 1000 microns long.**

About 2 mg of the raw product mat was sonicated in 5 ml methanol for about 0.5 hour at room temperature.

The application refers to a "mat" as a "felt" at page 24 lines 9-14.

The invention also produces a "felt" of the ropes described above. The product material is collected **as a tangled collection of ropes stuck together in a mat referred to herein as a "felt."** The felt material collected from the inventive process has enough strength to withstand handling, and it has been measured to be electrically conductive. Felts of 10 mm², 100 mm², 1000 mm² or greater, are formed in the inventive process.

As a mat and a felt are similarly described, and in order to facilitate prosecution, Applicant has cancelled Claims 52-57 directed to a mat of single-wall carbon nanotubes. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 36-51 under 35 U.S.C. § 112, ¶ 2.

IV. REJECTIONS UNDER 35 U.S.C. § 102(b)/103(a)

Examiner has rejected Claims 35-57 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Ajayan, *et al.*, "Growth morphologies during cobalt-catalyzed single-shell carbon nanotube synthesis" *Chemical Physics Letters*, Vol. 215, No. 5, Dec. 10, 1993, pp. 509-517 ("*Ajayan*"). Office Action, at 9.

Examiner contends that *Ajayan* “discloses a material which comprises all single wall carbon nanotubes wherein the nanotubes are in the form of web and/or strings which correspond to the claimed felt/mat and rope.” *Id.*

Regarding Claims 52-57, and, as stated above, Claims 52-57 are cancelled herein. Thus, rejections of Claims 52-57 are now moot.

Regarding rejections under 35 U.S.C. § 102(b), anticipation requires each and every element of the claim to be found within the cited prior art reference. Regarding rejections under 35 U.S.C. § 103(a), to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. See M.P.E.P. 706.02(j); see also *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Regarding Claim 35, this claim is to a rope of single-wall carbon nanotubes having 50 to 5000 single-wall carbon nanotubes of which greater than 10% are (10,10) single-wall carbon nanotubes. *Ajayan* does not teach or suggest a rope of single-wall carbon nanotubes having 50 to 5000 single-wall carbon nanotubes of which greater than 10% are (10,10) single-wall carbon nanotubes. *Ajayan* does not teach or suggest any particular configuration of single-wall carbon nanotube. (Note that the system of nomenclature for single-wall nanotube configurations is that of Dresselhaus, *et al.* and described in the Application at 6, lines 8-14.) As *Ajayan* does not teach or suggest any particular configuration of single-wall carbon nanotube, likewise, *Ajayan* does not teach any particular concentration of said configuration. As *Ajayan* does not teach or suggest each and every element of this claim, Claim 35 cannot be anticipated by *Ajayan*. Furthermore, there is no suggestion or motivation in *Ajayan*, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to include such elements.

Consequently, a *prima facie* case of obviousness has not been established and, thus, the claim cannot be held obvious under 35 U.S.C. § 103(a).

Regarding Claims 36 and 37, these claims depend directly or indirectly upon Claim 35 and cannot be anticipated or obvious for the same reasons Claim 35 is not anticipated or obvious. Furthermore, Claims 36 and 37 each require that the rope comprises more than 50% and 90%, respectively, of (10,10) single-wall carbon nanotubes. *Ajayan* does not teach or suggest a particular single-wall carbon nanotube configuration or any particular concentration of said single-wall carbon nanotube configuration. As *Ajayan* does not teach or suggest each and every element of these claims, and for reasons stated above, Claims 36 and 37 cannot be anticipated by or obvious over *Ajayan*.

Regarding Claim 38, this claim depends from Claim 37, which depends from Claim 36, which depends from Claim 35 and cannot be anticipated or obvious for the same reasons Claims 35, 36, and 37 are not anticipated or obvious. In addition, to the requirements of Claims 35, 36 and 37, from which Claim 38 depends, this claim further requires that the rope of single-wall carbon nanotubes comprise 100 to 500 single-wall carbon nanotubes. *Ajayan* does not teach or suggest all the elements of Claims 35, 36 and 37, nor does *Ajayan* teach the requirement of Claim 38, namely a rope of single-wall carbon nanotubes wherein the rope comprises 100 to 500 single-wall carbon nanotubes. As *Ajayan* does not teach or suggest each and every element of this claim, Claim 38 cannot be anticipated by *Ajayan*. Furthermore, there is no suggestion or motivation in *Ajayan*, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to include such elements as a rope comprising 100 to 500 single-wall carbon nanotubes. Consequently, a *prima facie* case of obviousness has not been established and, thus, Claim 38 cannot be held obvious under 35 U.S.C. § 103(a).

Regarding Claims 39 and 40, these claims depend directly or indirectly from Claim 38, which depends from Claim 37, which depends from Claim 36, which depends from Claim 35 and cannot be anticipated or obvious for the same reasons Claims 35, 36, 37 and 38 are not anticipated or obvious. Furthermore, Claims 39 and 40 each require, in addition to all the elements of the claims from which they depend, that the rope comprise single-wall carbon

nanotubes wherein the average diameter of all single-wall carbon nanotubes in the rope is $13.8 \text{ \AA} \pm 0.3$ or $13.8 \text{ \AA} \pm 0.2$, respectively. As *Ajayan* does not teach or suggest each and every element of these claims, and for reasons stated above, Claims 39 and 40 cannot be anticipated by or obvious over *Ajayan*.

Regarding Claim 41, this claim depends directly from Claim 40, which depends from Claim 40, which depends from Claim 39, which depends from Claim 38, which depends from Claim 37, which depends from Claim 36, which depends from Claim 35 and cannot be anticipated or obvious for the same reasons Claims 35-40 are not anticipated or obvious. As *Ajayan* does not teach or suggest each and every element of these claims, and for reasons stated above, Claim 41 cannot be anticipated by or obvious over *Ajayan*.

Regarding Claim 42, this claim depends from Claim 35 and requires to a rope of single-wall carbon nanotubes having 100 to 500 single-wall carbon nanotubes of which greater than 50% are single-wall carbon nanotubes of the armchair form. *Ajayan* does not teach or suggest a rope of single-wall carbon nanotubes having 100 to 500 single-wall carbon nanotubes of which greater than 50% are single-wall carbon nanotubes of the armchair form. As stated above with regard to Claim 35, *Ajayan* does not teach or suggest any particular configuration of single-wall carbon nanotube. As *Ajayan* does not teach or suggest any particular configuration of single-wall carbon nanotube, likewise, *Ajayan* does not teach any particular concentration of said configuration. As *Ajayan* does not teach or suggest each and every element of this claim, Claim 42 cannot be anticipated by or obvious over *Ajayan*. Furthermore, there is no suggestion or motivation in *Ajayan*, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to include such elements. Consequently, a *prima facie* case of obviousness has not been established and, thus, the claim cannot be held obvious under 35 U.S.C. § 103(a).

Regarding Claims 43 and 44, these claims depend directly or indirectly upon Claim 35 and 42 and cannot be anticipated or obvious for the same reasons Claims 35 and 42 are not anticipated or obvious. Furthermore, in addition to the elements of Claims 35 and 42, Claims 43 and 44 each require that the rope comprise more than 75% and 90%, respectively, of single-wall

carbon nanotubes in the armchair form. *Ajayan* does not teach or suggest a particular single-wall carbon nanotube configuration or any particular concentration of said single-wall carbon nanotube configuration. As *Ajayan* does not teach or suggest each and every element of these claims, and for reasons stated above, Claims 43 and 44 cannot be anticipated by or obvious over *Ajayan*.

Regarding Claim 45, this claim is cancelled herein. Rejection of Claim 45 is now moot.

Regarding Claim 46, this claim to a felt comprising single-wall carbon nanotubes has been amended to require that “said felt is electrically conductive”. No new matter is added by way of this amendment. The element of electrical conductivity was claimed in Claim 49. Claim 49 is hereby cancelled. Claims 50 and 51, which were dependent upon Claim 49, which is hereby cancelled, have been amended to depend from Claim 46.

Regarding Claim 46, now amended, this claim requires a felt comprising single-wall carbon nanotubes wherein said felt is electrically conductive. *Ajayan* does not teach or suggest a felt comprising single-wall carbon nanotubes wherein said felt is electrically conductive. As *Ajayan* does not teach or suggest each and every element of this claim, Claim 46 cannot be anticipated by *Ajayan*. Furthermore, there is no suggestion or motivation in *Ajayan*, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to include such elements. Consequently, a *prima facie* case of obviousness has not been established and, thus, the claim cannot be held obvious under 35 U.S.C. § 103(a).

Regarding Claims 47, 48, 50 and 51, these claims depend directly upon Claim 46 and cannot be anticipated or obvious for the same reasons Claim 46 is not anticipated or obvious.

Regarding, dependent Claim 47, which is dependent upon Claim 46, this claim also requires that the felt comprise about 30-100 wt.% single-wall carbon nanotubes. *Ajayan* does not teach or suggest felt comprising single-wall carbon nanotubes wherein the felt is electrically conductive, nor does *Ajayan* teach or suggest a particular composition of single-wall carbon nanotubes. As *Ajayan* does not teach or suggest each and every element of this claim, and for reasons stated above, Claim 47 cannot be anticipated by or obvious over *Ajayan*.

Regarding Claim 48, which is dependent upon Claim 46, this claim also requires that the

felt comprise ropes of single-wall carbon nanotubes. *Ajayan* does not teach or suggest felt comprising single-wall carbon nanotubes wherein the felt is electrically conductive, nor does *Ajayan* teach or suggest a particular arrangement of single-wall carbon nanotubes. As *Ajayan* does not teach or suggest each and every element of this claim, and for reasons stated above, Claim 48 cannot be anticipated by or obvious over *Ajayan*.

Regarding Claims 50 and 51, these claims depend directly or indirectly upon Claim 46 and cannot be anticipated or obvious for the same reasons Claim 46 is not anticipated or obvious. Furthermore, Claims 50 and 51 each require that the felt have a particular size or minimum size, respectively. *Ajayan* does not teach or suggest a felt comprising single-wall carbon nanotubes wherein the felt is electrically conducting and of a particular size or minimum size. As *Ajayan* does not teach or suggest each and every element of these claims, and for reasons stated above, Claims 50 and 51 cannot be anticipated by or obvious over *Ajayan*.

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 35-44 and 46-51 under 35 U.S.C. § 102(b) as being anticipated or, in the alternative, under 35 U.S.C. § 103(a), as obvious over *Ajayan*.

V. CLAIM AMENDMENT TO CORRECT FOR ANTECEDENT BASIS

Regarding Claim 41, this claim has been amended for clarity and to provide proper antecedent basis. No new matter has been added by way of this amendment.

VI. CONCLUSION

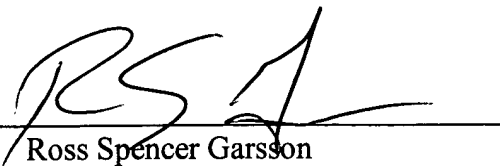
As a result of the foregoing, it is asserted by Applicant that the Claims in the Application are now in a condition for allowance, and respectfully requests allowance of such Claims. Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

11321-P002D1

PATENT

Respectfully submitted,

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